

P23666.A03



San

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen Mark MUELLER et al.
Group Art Unit : 2661
Appl. No. : 10/628,248
Examiner : Not Yet Assigned
Filed : July 29, 2003
Confirmation No. : 5445
For : PRESENCE ENHANCED TELEPHONY SERVICE
ARCHITECTURE

COMPLETION OF RECORD

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

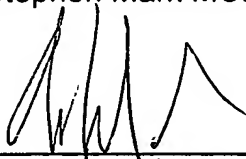
In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and supplemental to the Information Disclosure Statements filed on February 10, 2006 and November 7, 2003, Applicants submit a copy of an International Preliminary Report on Patentability dated March 2, 2006, with respect to patent family member International Patent Application No. PCT/US2004/22300, in which the following document was cited:

U.S. Patent Application Publication No. 2005/0027867, which corresponds to the present application. No fee or certification is required to ensure consideration of this material, as it was already considered.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Alan M. Lenkin
Reg. #40063

Respectfully Submitted,
Stephen Mark MUELLER et al.



Bruce H. Bernstein
Reg. No. 29,027

May 17, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
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From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

BERNSTEIN, Bruce, H.
Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
ETATS-UNIS D'AMERIQUEDate of mailing (*day/month/year*)

09 March 2006 (09.03.2006)

Applicant's or agent's file reference
P25038**IMPORTANT NOTICE**International application No.
PCT/US2004/022300International filing date (*day/month/year*)
28 July 2004 (28.07.2004)Priority date (*day/month/year*)
29 July 2003 (29.07.2003)

Applicant

SBC KNOWLEDGE VENTURES, L.P. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

RECEIVED

APR 24 2006

GREENBLUM & BERNSTEIN PLC

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Beate Giffo-Schmitt

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 87 20

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P25038	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2004/022300	International filing date (<i>day/month/year</i>) 28 July 2004 (28.07.2004)	Priority date (<i>day/month/year</i>) 29 July 2003 (29.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SBC KNOWLEDGE VENTURES, L.P.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 4 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 02 March 2006 (02.03.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold;">Beate Giffo-Schmitt</div>
Telephone No. +41 22 338 87 20	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 06 JAN 2006

WIPO

PCT

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
BRUCE H. BERNSTEIN
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

Date of mailing
(day/month/year)

04 JAN 2006

Applicant's or agent's file reference

P25038

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/22300

International filing date (day/month/year)

28 July 2004 (28.07.2004)

Priority date (day/month/year)

29 July 2003 (29.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04L 12/66, 12/28, 12/56; H04J 3/16, 3/22; G06F 15/16 and US Cl.: 370/352,356, 401, 466; 709/204, 227

Applicant

SBC KNOWLEDGE VENTURES, L.P.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Date of completion of this
opinion

09 December 2005 (09.12.2005)

Authorized officer

Michael Chuen

Telephone No. (571)272-5206

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/22300

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/22300

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2-20</u>	YES
	Claims <u>1</u>	NO
Inventive step (IS)	Claims <u>2-20</u>	YES
	Claims <u>1</u>	NO
Industrial applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

1. Claims 1 lacks novelty under PCT Article 33(2) as being anticipated by Mueller et al. (US 2005/0027867A).

Regarding claim 1, Mueller et al. disclose a system for mobile messaging and presence service comprising a publisher server PS (presence server) which receives a presence attribute via step 302 (request for presence information) of a client device. In step 303, the publisher server compares the NameSpec (session initiator's identity) element of the received attribute to already stored attributes (preferences of the session terminator), see paragraph 0081. Based on this comparison, the publisher server determines how to process a set of value fields (returning a preferred treatment) and proceeds with the determined action (initiating based upon the preferred treatment), see paragraph 0082.